

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GEORGE K. TRAMMELL, III,	§
	§ No. 213, 2010
Defendant Below-	§
Appellant,	§
	§ Court Below-Court of Chancery
v.	§ of the State of Delaware
	§ No. 271-S
KERMICK BRAXTON	§
TRAMMELL, SR.,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 10, 2010

Decided: October 21, 2010

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 21st day of October 2010, upon consideration of the appellant's opening brief and the record below,¹ it appears to the Court that:

(1) The defendant-appellant, George K. Trammell, III ("George"), filed an appeal from the Court of Chancery's April 7, 2010 order, which denied his objection to the February 9, 2010 decision of the Master in Chancery to remove him as administrator of the estate of George K. Trammell, Jr. (the "decedent"), and install the plaintiff-appellee, Kermick

¹ Because the appellee failed to submit an answering brief, the Court, on July 22, 2010, directed that the appeal would be decided on the basis of the opening brief and the Court of Chancery record.

Braxton Trammell, Sr. (“Kermick”), as successor administrator.² For the reasons that follow, we conclude that the Court of Chancery’s April 7, 2010 order must be affirmed.

(2) The record reflects that the decedent died intestate in 2008. His son, George, was appointed administrator of his estate. Another son of the decedent, Kermick, filed a petition to remove George as the administrator. The petition was heard in the first instance at a hearing presided over by the Master in Chancery.³ While Kermick’s principal complaint was that George failed to share information about the estate and its assets with him, the Master in Chancery found a number of alternative grounds upon which to remove George as administrator.

(3) First, George previously was convicted of Forgery in the Second Degree. Second, George falsely described himself as the sole next of kin of the decedent in his verified petition to serve as administrator. Third, George failed to file the required estate inventory and accounting. At the hearing before the Master in Chancery, George stated that he did not disclose Kermick’s existence on the petition because he wanted to limit Kermick’s involvement in the estate. George also stated that the decedent’s

² Ct. Ch. R. 144.

³ Ct. Ch. R. 136.

wish was to have the assets of the estate pass solely to him, the position he takes in the instant appeal.

(4) Under the Delaware statutes governing estates, letters of administration may not be granted to “a person convicted of a crime disqualifying the person from taking an oath.”⁴ Forgery is a crime involving making, completing, executing, authenticating, issuing or transferring a written instrument without proper authorization with the intent to defraud, deceive or injure another person.⁵ On the ground that forgery is the type of crime that would prevent the swearing of an effective oath,⁶ the Master in Chancery determined that George was statutorily unfit to serve as administrator of the decedent’s estate. The Master in Chancery further determined that, even if George were not statutorily precluded from serving as the administrator, his failure to comply with any of the most fundamental duties of an administrator would warrant his removal in any case.⁷

(5) We find no legal error or abuse of discretion on the part of the Master in Chancery in removing George as administrator of the decedent’s estate. On the record before us, we conclude that the findings of the Master in Chancery were fully supported by the evidence adduced at the hearing.

⁴ Del. Code Ann. tit. 12, §1508.

⁵ Del. Code Ann. tit. 11, §861.

⁶ *In Re Estate of Jackson*, Del. Ch., No. 99783, Allen, Ch. (Jan. 18, 1993).

⁷ Del. Code Ann. tit. 12, §1541.

We further find no error or abuse of discretion on the part of the Court of Chancery in denying George's objection to his removal as administrator of the decedent's estate. We conclude, therefore, that the judgment of the Court of Chancery must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the Court of Chancery's April 7, 2010 order is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice